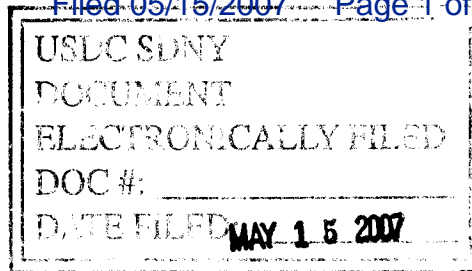


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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UNITED STATES OF AMERICA

- v. -

RAFAEL PEREZ,
a/k/a "El Tio,"
a/k/a "Rafael Rivera,"

Defendant.

INDICTMENT

S3 07 Cr. 378

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COUNT ONE

The Grand Jury charges:

1. From in or about January 2006, up to and including in or about January 2007, in the Southern District of New York and elsewhere, RAFAEL PEREZ, a/k/a "El Tio," a/k/a "Rafael Rivera," the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that RAFAEL PEREZ, a/k/a "El Tio," a/k/a "Rafael Rivera," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 1 kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.


OVERT ACT


3. In furtherance of the conspiracy, and to effect

the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York:

a. On or about August 11, 2006, a co-conspirator not named as a defendant herein ("CC-2") met with RAFAEL PEREZ, a/k/a "El Tio," a/k/a "Rafael Rivera," the defendant, in the vicinity of 2766 Barnes Avenue, in the Bronx, New York, to conduct a narcotics transaction.

(Title 21, United States Code, Section 846.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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Defendant.

INDICTMENT

S3 07 Cr. 378

(Title 21, United States Code, 846)

MICHAEL J. GARCIA
United States Attorney

A TRUE BILL.

Madelaine Couton

Foreperson.

5-15-07
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Filed Indictment. Case assigned to TJ Kaplan.

Pitman
U.S.M.J.